

## **Division 16. Osteopathic Medical Board of California**

### **Article 1. General Provisions**

#### **§1600. Location of Offices.**

The office of the Osteopathic Medical Board of California is located at 2720 Gateway Oaks Drive, Suite 350 Sacramento, California 95833.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Osteopathic Act, Section 1.

#### **HISTORY**

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment filed 9-22-93; operative 10-22-93 (Register 93, No. 39).
3. Change without regulatory effect amending title page, table of contents, and page headings for division 16 filed 5-9-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 19).
4. Amendment filed 6-4-97; operative 6-4-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 23).

#### **§1602. Definitions.**

As used in the rules and regulations of this chapter:

- (a) "Board" means the Osteopathic Medical Board of California.
- (b) "Code" means the California Business and Professions Code.
- (c) "Act" means the Osteopathic Act as established as an Initiative Measure, Stats. 1923, p. xciii as subsequently amended and set forth in West's Business and Professions Code Section 3600-1 et seq.
- (d) "Executive Director" means the executive and administrative officer appointed by the Board. The masculine gender includes the feminine, the feminine includes the masculine.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Osteopathic Act, Section 1.

#### **HISTORY**

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (a) filed 9-22-93; operative 10-22-93 (Register 93, No. 39).

#### **§1603. Delegation of Certain Functions.**

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act, Section 11500, et seq. of the Government Code, the Board delegates and confers upon the executive director of the Board all functions necessary to the proper dispatch of the business of the Board in connection with all investigative and administrative proceedings; additionally, authority is hereby delegated to the executive director to issue fictitious names and to register professional corporations.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; Sections 2454 and 3600-1, Business and Professions Code. Reference: Osteopathic Act, Section 1; and Section 2454, Business and Professions Code.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

#### **§1604. Filing of Addresses by Licensees.**

Each person holding a certificate of registration, license, permit or any other authority under any and all laws administered by the Board is hereby directed and required to file with the Board his proper and current mailing address and to report immediately to the Board at its Sacramento office any and all changes of address, giving both his old and his new address.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Profession Code. Reference: Section 2456, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

## **Article 2. Schools and Colleges of Osteopathic Medicine**

### **§1605. Approved Schools.**

- (a) Those medical schools accredited by the Bureau of Professional Education of the American Osteopathic Association shall be deemed to be approved by the Board for the giving of resident professional instruction in medicine.
- (b) A current list of such medical schools shall be maintained on file in the Sacramento office of the Board.
- (c) Nothing in this section shall be construed to prohibit the Board from disapproving a medical school which does not comply with Code Sections 2089 and 2089.5.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2084, 2085, 2086 and 3600-1, Business and Professions Code. Reference: Sections 2037, 2084, 2085, 2086, 2089 and 2089.5, Business and Professions Code; and D'Amico vs. Board of Medical Examiners (1974) 11 Cal.3d 1.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

## **Article 3. Postgraduate Training**

### **§1607. Approved Hospitals.**

Hospitals approved by the Board for postgraduate training shall be all hospitals approved for such training by the Bureau of Hospitals of the American Osteopathic Association, by the Council of Education and Hospitals of the American Medical Association, or by the Board itself.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2037 and 2089.5, Business and Professions Code; and D'Amico vs. Board of Medical Examiners (1974) 11 Cal.3d 1.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1608. Hospitals Disapproved During Postgraduate Training.**

If the approval of a hospital to train osteopathic physicians is suspended or revoked subsequent to the time a physician has entered into an agreement for such training, the physician shall be entitled to complete his or her training at that hospital without disqualification for licensure or other penalty.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2037 and 2089.5, Business and Professions Code; and D'Amico vs. Board of Medical Examiners (1974) 11 Cal.3d 1.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1609. Postgraduate Registration.**

In order to engage in the practice of medicine for a limited period as part of an approved postgraduate training program any graduate student upon whom a degree of Doctor of Osteopathy (D.O.) has been conferred by a school approved by the Board, shall apply for registration (Postgraduate Training Registration OMB.3 Rev.01/92) and upon approval of registration may function within the provisions set forth in Code Section 2065.

The Board shall process the request for registration as set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 2065, Business and Professions Code; and Section 15374 et seq., Government Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

## **Article 4. Physician and Surgeon Applications**

### **§1610. Applications and Refund of Fee.**

- (a) All applications (Application for Physician's and Surgeon's Certificate OMB.1 Rev.01/92) for a Physician and Surgeon Certificate shall be accompanied by the appropriate fees set forth in Section 1690.
- (b) An application shall be denied without prejudice and the applicant shall be refunded whatever fee is due as set forth by Section 1690 when an applicant's credentials are insufficient or the examination is not taken.
- (c) Applications shall be valid for one (1) year.
- (d) The processing times for original Physicians and Surgeons applications are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2099.5, 2154 and 2455, Business and Professions Code.

HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsections (b) and (d) filed 9-28-90; operative 10-28-90 (Register 90, No. 45).
3. Amendment of subsections (a), (b), and (f) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

### **§1611. Credentials.**

- (a) Diploma. A photocopy of a diploma from an approved school of osteopathic medicine or other proof of having received a diploma shall be furnished by the applicant for permanent filing with the Board.
- (b) Transcript of Grades. A certified transcript from osteopathic college shall be requested by the applicant and mailed directly from the school to the Board's office.
- (c) Internship Certificate. A photocopy of an internship certificate from an approved hospital shall be furnished by the applicant for permanent filing with the Board if internship was completed prior to July 1990.
- (d) Written Examination Results. The certified results of the National Board of Osteopathic Medical Examiners, Inc. (NBOME) or Federation Licensing Examination (FLEX) when applicable, or other State's written examination results shall be submitted to the board and must be sent directly from the certifier.
- (e) First Year Postgraduate Training. The first year postgraduate training form (Certificate of Completion of Accreditation Council for Graduate Medical Education (ACGME) Postgraduate Training or American Osteopathic Association (AOA) Rotating Internship OMB.3.1 Rev. 04/00), shall be certified and submitted directly from the Director of Medical Education to the Board.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2082, 2096, 2099.5 and 2154, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsections (c) and (d), new subsection (e) and amendment of Note filed 3-20-2001; operative 4-19-2001 (Register 2001, No. 12).

### **§1612. Evidence of Professional Responsibility.**

All applicants shall be required to present evidence as to professional responsibility. Such evidence shall consist of any and all instances wherein the applicant was a party to litigation relating to his

professional conduct or was subject to professional disciplinary action. The applicant shall note all such instances with explanatory statements on the application.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 475, 480 and 2154, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

**§1613. Photo and Fingerprint Requirements.**

- (a) Photos. Two (2) photographs shall be submitted to the Board along with the application. They should be approximately 3" x 4" and taken within the last sixty (60) days (head and shoulders). Proof photos or negatives are not acceptable. All photos shall be signed by the applicant across the base of the photo.
- (b) All applications for licensure shall include two sets of original certified fingerprints of the applicant or proof of completion of livescan fingerprinting.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2082, 2099.5 and 2154, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (b) filed 3-20-2001; operative 4-19-2001 (Register 2001, No. 12).

## **Article 5. Reciprocity Licensure**

**§1615. Applications.**

- (a) In addition to the requirements set forth in article 4, an applicant for licensure on the basis of reciprocity shall submit a certified copy of his/her original license.
- (b) An applicant for reciprocity licensure shall be denied without prejudice and the applicant shall be refunded whatever fee is due as set forth by section 1690 when an applicant's credentials are insufficient or the examination is not taken.
- (c) No such application shall receive approval if a pattern of negligence or incompetence is demonstrated by adverse judgments or settlements resulting from the practice of medicine.
- (d) The processing times for reciprocity licensure are set forth in section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2154 and 2455, Business and Professions Code.

HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (b) filed 9-28-90; operative 10-28-90 (Register 90, No. 45).

## **Article 6. Examinations**

**§1620. Written Examination for Original Licensure.**

A successfully completed written examination is required of all applicants.

The written examination may be:

- (a) The National Board of Osteopathic Medical Examiners (National Boards) Parts I, II, and III;
- (b) National Boards Parts I and II with the Federation Licensing Examination (FLEX) if taken prior to December 31, 1993 for Part III of the National Boards.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; Sections 3600-1, and 2452, Business and Professions Code. Reference: Sections 2099.5, 2183, 2184 and 2435 Business and Professions Code, and D'Amico vs. Board of Medical Examiners (1974) 11 Cal.3d 1.

HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (a)-(a)(2) filed 9-22-93; operative 10-22-93 (Register 93, No. 39).
3. Amendment filed 3-20-2001; operative 4-19-2001 (Register 2001, No. 12).

#### **§1621. Written Examination for Reciprocity Licensure.**

- (a) Any state which requires National Board Parts I, II, and III as their written examination for licensure is approved and acceptable to this Board for reciprocity licensure. Any other State written examination shall be considered for approval and acceptance by the Board on a case by case basis.
- (b) In lieu of an approved state written examination, the Board will accept National Boards Parts I, II, and III, or National Boards Parts I and II and the Federation of State Medical Boards Licensing Examination (FLEX) substituted for Part III. The Board will also accept the Comprehensive Osteopathic Medical Variable Purpose Examination for the United States of America (COMVEX-USA).

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 2154, Business and Professions Code and D'Amico vs. Board of Medical Examiners (1974) 11 Cal.3d 1.

#### **HISTORY**

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Repealer of subsection (a), renumbering and amendment of subsection (b) to subsection (a), and new subsection (b) filed 9-22-89; operative 10-22-89 (Register 89, No. 39).
3. Amendment of subsection (b) and Note filed 9-22-93; operative 10-22-93 (Register 93, No. 39).
4. Amendment of subsection (b) filed 3-20-2001; operative 4-19-2001 (Register 2001, No. 12).

#### **§1622. Oral/Practical Examinations.**

- (a) All applicants shall take an oral/practical examination administered by the Board. This examination is a comprehensive clinical examination involving an applicant's knowledge of osteopathic principles and practice including manipulation techniques within basic medicine in accordance with present standards of practice.
- (b) The fee for the oral/practical examination must be received by the Board ten (10) days prior to the applicant's scheduled examination date. The fee for the oral/practical examination is set forth in Section 1690.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2099.5, 2154, 2451, 2452 and 2455, Business and Professions Code; and D'Amico vs. Board of Medical Examiners (1974) 11 Cal.3d 1.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

#### **§1623. Appeals.**

- (a) Upon notification of failure of the examination, an applicant may request, in writing, a summary of the reasons for the applicant's failure of the examination. The summary shall be sent to the applicant by the Executive Director.
- (b) The applicant, upon receipt of this summary may further request in writing that the Board hear an appeal of the results of the examination. Written request should state in clear language the applicant's reasons why the Board should hear such appeal.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2099.5, 2154, 2451, 2452 and 2455, Business and Professions Code; and D'Amico vs. Board of Medical Examiners (1974) 11 Cal.3d 1.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

## Article 7. Certificates

### §1625. Form of Certificates.

The Board shall prescribe the form of each certificate it issues. All certificates shall be issued in numerical order.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 2452, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### §1626. Duplicate Certificates.

A duplicate certificate shall be issued to any licensee who pays the required fee as set forth in Section 1690 and files an affidavit certifying to loss or destruction of the original certificate. The duplicate shall bear the same number and date as the original certificate and bear the word "Duplicate."

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600.1, Business and Professions Code. Reference: Sections 2432, 2435 and 2452, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### §1627. Change of Name.

- (a) Each licensee whose name has been changed by marriage may request a corrected certificate. Whenever the name of the licensee has been changed by court order, a certified copy of the court record authorizing the change of name shall be attached to the request. In either instance the original certificate of such licensee shall be returned to the office of the Board so that endorsement of change of name may be made on the face of the certificate and on the records of the Board. The name of a licensee cannot be changed in any other manner or for any other cause or reason other than as stated herein. Where an individual is using his true surname, he may use any of the combinations of names or initials of his given name that he may choose.
- (b) The request for a name change certificate shall be accompanied by the fee set forth in Section 1690.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2435 and 2452, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### §1628. Certification of Credentials to Another State.

Any application filed by a California licensee for certification of credentials to another state medical or osteopathic licensing board for the purpose of reciprocity licensure shall:

- (a) be accompanied by a photograph of the applicant taken within sixty (60) days prior to filing the application which is acknowledged by a notary public.
- (b) be verified by the applicant before his credentials will be certified.
- (c) be accompanied by the certification fee set forth in Section 1690.
- (d) The processing times for certification of credentials are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2433, 2435 and 2452, Business and Professions Code; and Section 15374 et seq., Government Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

## Article 8. Active Practice Requirements

### §1630. Good Standing Requirements.

- (a) In order to practice in good standing in California all licensees shall practice in a professional manner and shall comply with both the Continuing Medical Education (CME) Rules set forth in Article 9 and pay the tax and registration fees as set forth in Section 1690.
- (b) The tax and registration fee shall be due biennially on or before the last day of the birth month of the licensee. The failure to pay the fee by the licensee's due date will result in the assessment of a delinquent fee as set forth in Section 1690.
- (c) The processing times for renewal are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2456.1 and 3600-1, Business and Professions Code. Reference: Sections 2190, 2456 and 2456.1, Business and Professions Code; and Section 15374 et seq., Government Code.

#### HISTORY

- 1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
- 2. Amendment of subsection (b) filed 6-7-88; operative 7-7-88 (Register 88, No. 25).
- 3. Amendment of section and Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

### §1633. Minimum Standards for Infection Control.

a) Licensees shall follow the recommendations and the precautions set forth below, hereby incorporated by reference, in order to minimize the transmission of bloodborne pathogens in health care settings. Adherence to these recommendations shall constitute the minimum standard of infection control.

- (1) "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to patients During Exposure-Prone Invasive Procedures" from the U.S. Centers for Disease Control Morbidity and Mortality Weekly Report, July 12, 1991, Vol.40, No.RR-8.
- (2) "Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus and Other Bloodborne Pathogens in Health-Care Settings" from the U.S. Centers for Disease Control Morbidity and Mortality Weekly Report, June 24, 1988, Vol.37, No.24, pp.377-382, 387-388.
- (3) "Recommendations for Prevention of HIV Transmission in Health-Care Settings" from the U.S. Centers for Disease Control Morbidity and Mortality Weekly Report, August 21, 1987, Vol.36, No.2S.
- (4) "Guidelines for Preventing the Transmission of Bloodborne Pathogens in Health Care Settings" from California Department of Health Services, May 1993.

(b) In instances of conflict between differing Centers for Disease Control recommended infection control practices, in publications (1), (2) or (3) above, the most recent recommendation will prevail.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p.xciii), Business and Professions Code. Reference: Section 2221.1, Business and Professions Code.

#### HISTORY

- 1. New section filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

## Article 9. Continuing Medical Education

### §1635. Required Continuing Medical Education (CME).

- (a) Each physician submitting the tax and registration fee shall submit satisfactory proof to the Board of ongoing compliance with the provisions of this article at the times specified herein.
- (b) Commencing January 1, 1989, a physician shall complete 150 hours within a three-year period to satisfy the CME requirement; this three-year period is defined as the "CME requirement period."
- (c) The requirement of 150 hours during the three-year CME requirement period shall include a minimum of 60 hours of CME in Category 1-A or 1-B defined by the American Osteopathic Association (AOA). The balance of the CME requirement of 90 hours may consist of CME as defined by either the American Osteopathic Association (AOA) or the American Medical Association (AMA) and may be completed within the entire three-year CME requirement period.

- (d) Effective January 1, 1989, the three-year CME period shall commence for those licensed on or before January 1, 1989. Those licensed subsequent to January 1, 1989 shall commence their three-year CME requirement period on a prorata basis commencing the first full calendar year subsequent to initial licensure. Subsequent three-year periods shall not include CME earned during a preceding three-year requirement period.
- (e) Category 1-A, or other CME is defined by the American Osteopathic Association (AOA), set forth in the American Osteopathic Association's "Continuing Medical Education Guide," and is hereby incorporated by reference and can be obtained from the AOA at 142 E. Ontario Street, Chicago, IL 60611; it is published once every three years by the AOA most recently in 1992. Category 1 defined by the American Medical Association is set forth in "Physicians Recognition Award Information Booklet," and is hereby incorporated by reference and can be obtained from the American Medical Association, 515 North State Street, Chicago, IL 60610; it is published on an occasional basis by the AMA, most recently in January, 1986.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454.5 and 3600-1, Business and Professions Code. Reference: Section 2454.5, Business and Professions Code.

#### HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsections (b), (c), (d) and (e) filed 9-28-90; operative 10-28-90 (Register 90, No. 45).
3. Amendment of subsections (c) and (e) filed 3-23-94; operative 4-22-94 (Register 94, No. 12).
4. Amendment of subsections (a), (e) and Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

### **§1636. Continuing Medical Education Progress Report.**

Physicians shall report the total number of continuing medical education (CME) hours to the Board with the renewal application. This may be accomplished by:

- (a) The physician sending the Board a copy of their computer printout of CME activity as compiled from documents submitted to the AOA Division of Continuing Medical Education by both sponsors and the physician (Individual Activity Report) which will list the amount of CME credit hours, or
- (b) Sending the Board copies of any certificates given for the CME credit hours of attendance at any program approved by the Board, or
- (c) Reports from any program approved by the Board, to be furnished by the physician, showing his CME credit hours of attendance hours as verified by the program organizer.
- (d) CME categories are defined by Section 1635(e).

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2190 and 2452, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of first paragraph, subsection (a) and Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

### **§1637. Waiver of Requirement.**

- (a) Upon submittal of an application for waiver of continuing medical education requirements, the Board may, at its discretion, waive any of the requirements outlined in this Article for reasons of health, military service, or undue hardship.
- (b) Applications for waivers must be submitted on an annual basis to the Board for consideration.
- (c) The processing times for CME waivers are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2190 and 2452, Business and Professions Code and Section 15374 et seq., Government Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.



**§1638. CME Requirement for Inactive Certificate.**

- (a) The holder of an inactive certificate is exempt from CME requirements.
- (b) In order to restore a certificate to active status the licensee shall have completed a minimum of 20 hours Category 1-A as defined by the American Osteopathic Association (AOA) during the 12-month period immediately preceding the licensee's application for restoration.
- (c) CME categories are defined by section 1635(e).

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454.5 and 3600-1, Business and Professions Code. Reference: Sections 704 and 2454.5, Business and Professions Code.

**HISTORY**

- 1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
- 2. Amendment of subsection (b) filed 9-28-90; operative 10-28-90 (Register 90, No. 45).

**§1639. Approved Continuing Medical Education.**

The following CME programs are approved for credit:

- (a) Those programs certified by the American Osteopathic Association (AOA) as Category I and II credit and those certified by the American Medical Association (AMA) as Category I.
- (b) Those programs which qualify for prescribed credit from the AOA specialty groups.
- (c) Those programs meeting the criteria set forth in Section 1640 and offered by other organizations and institutions.
- (d) CME categories are defined by Section 1635(e).

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2190, and 2452, Business and Professions Code.

**HISTORY**

- 1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

**§1640. Criteria for Approval of CME Programs.**

- (a) Each program in which a licensee participates shall be administered in a responsible, professional manner.
- (b) Programs referred to in Section 1639(c) shall be measured on a clock-hour to clock-hour basis and shall meet the following criteria in order to be approved by the Board:
  - (1) Faculty: The program organizer shall have a faculty appointment in an educational institution accredited or approved pursuant to Education Code Section 94310 or 94312, or be qualified in other specialized fields directly related to the practice of medicine. The curriculum vitae of all faculty members and organizers shall be kept on file by the program organizer.
  - (2) Rationale: The need for the program and how the need was determined shall be clearly stated and maintained on file by the program organizer.
  - (3) Program Content: Program content shall be directly related to patient care, community or public health.
  - (4) Educational Objectives: Each program shall clearly state educational objectives that can be realistically accomplished within the framework of the program.
- 1. 5) Method of Instruction: Teaching methods for each program shall be described, e.g., lecture, seminar, audio-visual, simulation, workshops or other acceptable modalities.
- (5) Evaluation: Each program shall include an evaluation method which documents that educational objectives have been met, e.g., written evaluation by each participant (questionnaire).
- (6) Course organizers shall maintain a record of attendance of each participant.
- (c) The Board will randomly audit courses or programs submitted for credit in addition to any course or program for which a complaint is received. If an audit is made, course organizers will be asked to submit to the Board:
  - (1) Organizer(s) faculty curriculum vitae;
  - (2) Rationale for course;
  - (3) Course content;
  - (4) Educational objectives;

- (5) Teaching methods;
- (6) Evidence of evaluation;
- (7) Attendance records.

(d) Credit toward the required hours of continuing education will not be received for any course deemed unacceptable by the Board after an audit has been made pursuant to this section.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2190 and 2452, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1641. Sanctions for Noncompliance.**

- (a) Any physician who has not completed 150 hours of approved CME or the prorated share pursuant to Section 1635(d) during the three-year CME requirement period will be required to make up any deficiency unless a waiver is obtained pursuant to Section 1637. Any physician who fails to complete the deficient hours shall be ineligible for renewal of his or her license to practice medicine until such time as the deficient hours of CME are documented to the Board.
- (b) It shall constitute unprofessional conduct and grounds for disciplinary action including the filing of an accusation, for any physician to misrepresent his or her compliance with the provisions of this article or who fails to comply with the provisions of this article.
- (c) Each physician shall retain records for a minimum of four years of all CME programs attended which indicate the title of the course or program attended, dates of attendance, the length of the course or program, the sponsoring organization and the accrediting organization, if any.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454.5 and 3600-1, Business and Profession Code. Reference: Section 2454.5, Business and Professions Code.

#### HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (a) filed 9-28-90; operative 10-28-90 (Register 90, No. 45).
3. Amendment of subsection (a) filed 3-23-94; operative 4-22-94 (Register 94, No. 12).
4. Amendment of subsection (a) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

## **Article 10. Inactive Practice**

### **§1645. Scope of Practice.**

- (a) The purpose of an inactive certificate is to enable an individual to maintain licensure as a physician and surgeon in a non-practicing status; as such, an inactive certificate holder shall not engage in the practice of a physician and surgeon in the State of California.
- (b) The holder of an inactive certificate need not comply with the continuing medical education requirements established by the Board.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 701, 704 and 2452, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1646. Procedure for Obtaining an Inactive Certificate or for Restoration to Active Status.**

- (a) Any physician and surgeon desiring an inactive certificate shall submit an application to the Board (License Renewal OMB.2 or OMB.2a Rev.11/94).
- (b) In order to restore an inactive certificate to an active status, the licensee shall have completed a minimum of 20 hours of Category 1-A CME as defined by the American Osteopathic Association (AOA) during the preceding 12-month period and pay the fee set forth in Section 1690.

- (c) The inactive status of a certificate holder shall not deprive the Board of its authority to institute or continue a disciplinary proceeding against the licensee on any ground provided by law or to enter an order suspending or revoking the certificate or otherwise taking disciplinary action against the licensee on any ground.
- (d) CME categories are defined by Section 1635(e).
- (e) The processing times for obtaining an inactive certificate or reactivating an inactive certificate to active status are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 701, 704 and 2454.5, Business and Professions Code.

#### HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsections (b) and (e) filed 9-28-90; operative 10-28-90 (Register 90, No. 45).
3. Amendment of subsections (a), (b), (d) and (e) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

### **§1647. Issuance, Renewal and Fees.**

- (a) An inactive certificate shall be issued upon payment of the normal biennial renewal fee as set forth in Section 1690.
- (b) An inactive certificate shall be renewed biennially on the last day of the birth month of the licensee.
- (c) The processing times for the biennial renewal of an inactive certificate are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2456.1 and 3600-1, Business and Professions Code. Reference: Sections 703, 2456 and 2456.1, Business and Professions Code; Section 15374 et seq., Government Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (b) filed 6-7-88; operative 7-7-88 (Register 88, No. 25).
3. Amendment filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

## **Article 11. Restoration of Certificate**

### **§1650. Applications for Restoration of Forfeited Certificates.**

All applications for restoration of certificates forfeited for failure to pay the biennial tax and registration fee (Affidavit for Reactivation of California License OMB.9 Rev.01/92) shall include the biennial tax and registration fee and delinquent tax and registration fee set forth in Section 1690. The processing times for the restoration of a forfeited certificate are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2427, 2455 and 2457, Business and Professions Code; and Section 15374 et seq., Government Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

### **§1651. Failure to Renew Certificate Within Five Years.**

Failure to renew a California certificate for five years requires the person to apply for a new certificate (Application for Physician's and Surgeon's Certificate OMB.1 Rev.01/92). A person may apply and the Board may issue a new certificate if:

- (a) No fact, circumstance, or condition exists which would justify its denial, or if current, would justify its revocation or suspension.
- (b) He establishes to the satisfaction of the Board that, with due regard for the public interest, the person is qualified to practice or engage in the profession of physician and surgeon, either by reexamination or by review of experience and credentials.

- (c) He pays all of the fees that would be required of him if he were then applying for the license for the first time as set forth in Section 1690.
- (d) (d)The processing times for issuance of a new certificate are set forth in

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2428, 2452 and 2455, Business and Professions Code; and Section 15374 et seq., Government Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of first paragraph filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).

## **Article 12. Substantial Relationship and Rehabilitation Criteria; Petitions for Modification of Penalty or Reinstatement**

### **§1654. Substantial Relationship Criteria.**

For purposes of denial, suspension, or revocation of a certificate pursuant to Code Division 1.5 (commencing with Code Section 475), a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a certificate under the Osteopathic Act, if to a substantial degree, it evidences present or potential unfitness of a person holding the certificate to perform the functions of a physician and surgeon in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of, or conspiring to violate any provision or term of the Osteopathic Act or the Medical Practice Act or the conviction of a crime involving fiscal dishonesty.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 481, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1655. Rehabilitation Criteria for Denial, Suspension or Revocation.**

When considering the denial of a certificate on the grounds recommended by Code Section 480 or the suspension or revocation of a certificate on the grounds enumerated by Code Section 490 or on the grounds that the person has been convicted of a crime, the Board in evaluating the rehabilitation of such person and the eligibility for a certificate or permit, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) Time elapsed since commission of the act(s) or offense(s).
- (4) Whether the certificate or permit holder has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (5) If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4.
- (6) Evidence, if any, of rehabilitation submitted by the certificate or permit holder.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 475, 480, 482, 490 and 3600-2, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1656. Petition for Reinstatement or Modification of Penalty.**

- (a) A petition for reinstatement of a certificate or the modification of penalty shall be filed at the Board's Sacramento office no later than thirty (30) days before any meeting of the Board.

- (b) Such petition shall not be heard by the Board unless the time elapsed from the effective date of the original disciplinary decision or from the date of the denial meets the requirements of the Business and Professions Code Section 2307.
- (c) The petition shall be accompanied by the two verified recommendations from physicians and surgeons licensed by the Board as required by Code Section 2307.
- (d) The processing times for a petition for reinstatement of a certificate or modification of penalty are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2307, 2451 and 2452, Business and Professions Code; and Section 15374 et seq., Government Code.

#### HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (b) filed 9-22-93; operative 10-22-93 (Register 93, No. 39).

### **§1657. Rehabilitation Criteria for Petition for Reinstatement or Modification of Penalty.**

When considering a petition for reinstatement or a petition for modification of penalty, the Board, in evaluating the rehabilitation of the applicant and his present eligibility for a certificate or permit, may consider all activities of the petitioner since the disciplinary action was taken and shall also consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) for which the petitioner was disciplined;
- (2) Evidence of any act(s) or crime(s) committed subsequent to act(s) or crime(s) for which the petitioner was disciplined which also could be considered as grounds for denial under Code Section 480.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2) above.
- (4) The extent to which the petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed.
- (5) Petitioner's activity during the time the certificate was in good standing.
- (6) Evidence, if any, of the rehabilitation submitted by the petitioner.
- (7) Petitioner's professional ability and general reputation for truth.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600.1, Business and Professions Code. Reference: Section 2307, Business and Professions Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1658. Petitions for Reinstatement of Certificates Restricted or Revoked Due to Mental or Physical Illness.**

- (a) A petition for reinstatement of a certificate restricted or revoked for mental or physical illness shall be filed at the Board's Sacramento office no later than sixty (60) days prior to any meeting of the Board and shall delineate the evidence of the absence or control of the condition which led to the revocation or restriction.
- (b) The processing times for a petition for reinstatement of a certificate restricted or revoked due to mental or physical illness are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 820 and 3600-1, Business and Professions Code. Reference: Sections 822 and 823, Business and Professions Code; and Section 75374 et seq., Government Code.

#### HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

## **Article 12.2. Public Letters of Reprimand**

### **§1659.10. Intent to Issue Public Letter of Reprimand**

- (a) In lieu of filing or prosecuting a formal accusation, the executive director may, by stipulation or settlement, issue a public letter of reprimand to an osteopathic physician and surgeon for minor violations of the Medical Practice Act and related California laws not related to patient harm or controlled substance abuse.
- (b) The Board shall send a letter by certified mail notifying the licensee of its intention to issue a public letter of reprimand. The affected licensee shall indicate agreement or nonagreement in writing within 30 calendar days from the date of service. The Board may, in its discretion, extend this response time.
- (c) A letter from the Board of its intent to issue a letter of reprimand shall state that the letter of reprimand is a public record and may be disclosed to an inquiring member of the public.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2233, 2452 and 3600-1, Business and Professions Code. Reference: Section 2233, Business and Professions Code.

#### HISTORY

1. New article 12.2 (sections 1659.10-1659.20) and section filed 1-27-99; operative 2-26-99 (Register 99, No. 5).

### **§1659.20. Public Letter of Reprimand; Contents; Disclosure.**

- (a) A public letter of reprimand shall describe the nature and facts of the violation and shall be served upon the licensee by certified mail.
- (b) A letter of reprimand that has been accepted by a licensee and issued pursuant to this article shall be disclosed to an inquiring member of the public.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2233, 2452 and 3600-1, Business and Professions Code. Reference: Section 2233, Business and Professions Code.

#### HISTORY

1. New section filed 1-27-99; operative 2-26-99 (Register 99, No. 5).

## **Article 12.5. Impaired Physicians Diversion Program**

### **§1660. Criteria for Acceptance.**

An applicant shall meet the following criteria for acceptance to the Impaired Physicians Program.

- (a) Is a California licensed osteopathic physician.
- (b) Resides in California.
- (c) Is found to abuse narcotics, dangerous drugs or alcohol in a manner which may affect his/her ability to practice safely or competently.
- (d) Has voluntarily requested admission to the program.
- (e) Agrees to undertake any medical and/or psychiatric examinations ordered to evaluate the application for participation in the program.
- (f) Cooperates with the program by providing medical information, disclosure authorizations, and releases of liability as may be necessary for participation in the program.
- (g) Agrees in writing to cooperate and comply with all elements of the treatment program designed by the diversion evaluation committee and to bear all the costs of such program.
- (h) Has not been convicted of a crime involving the sale of narcotics or dangerous drugs.
- (i) Has not been previously disciplined by the Board for substance abuse.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 2365, Business and Professions Code.

#### HISTORY

1. New section filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

### **§1660.2. Causes for Denial of Acceptance.**

The diversion evaluation committee may deny an applicant acceptance to the impaired physician program for any of the following reasons:

- (a) The applicant does not meet the requirements set forth in Section 1660.
- (b) The applicant, after formal investigation, has been subject to disciplinary action by any state medical licensing authority.

- (c) Formal complaints or information have been received by the board which, after investigation, indicate that the applicant may have violated a provision of the Medical Practice Act(Division 2, Chapter 5 of the Code, starting with Section 2000, excluding Section 2239).
- (d) The committee determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety or welfare.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 2365, Business and Professions Code.

HISTORY

- 1. New section filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

#### **§1660.4. Termination from the Program.**

(a) The diversion evaluation committee may terminate a physician's participation in the program for any of the following reasons:

- (1) The physician has successfully completed the treatment program prescribed by the commit
- (2) The committee votes to terminate participation for one of the following causes:
  - (A) The physician has failed to comply with the treatment program designated by the committee.
  - (B) The physician has failed to comply with any of the requirements set forth in Section 1660.
  - (C) Any cause for denial of an applicant set forth in Section 1660.2.
  - (D) The committee determines that the physician has not substantially benefited from participation in the program or that the physician's continued participation in the program creates too great a risk to the public health, safety or welfare.

(b) The committee shall determine, based upon the recommendation of both the program manager and a consultant, whether to terminate participation in the program. The committee's decision on termination shall be final.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section D; and Section 3600-1, Business and Professions Code. Reference: Section 2365, Business and Professions Code.

HISTORY

- 1. New section filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

#### **§1661. Diversion Evaluation Committee Membership**

The Diversion Evaluation Committee Membership Criteria:

- (a) The committee shall be composed of three (3) state licensed osteopathic physicians and surgeons.
- (b) Each member shall be approved by the board and shall have experience in the diagnosis and treatment of drug or alcohol abuse.
- (c) Each member of the committee shall be appointed by the board and serve at the pleasure of the board.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 2366, Business and Professions Code.

HISTORY

- 1. New section filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

#### **§1661.2. Diversion Evaluation Committee Duties and Responsibilities.**

A diversion evaluation committee shall have the following duties and responsibilities in addition to those set forth in Section 2366 of the Code:

- (a) To consider recommendations of the program manager and any consultants to the committee;
- (b) To set forth in writing for each physician in a program a treatment and rehabilitation plan established for that physician with the requirements for supervision and surveillance.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 2366, Business and Professions Code.

HISTORY

- 1. New section filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

#### **§1661.4. Diversion Evaluation Committee Consultants.**

Diversion evaluation committee consultants shall be approved by the board to conduct medical and/or psychiatric examination of the applicant. The consultants shall utilize the services of licensed physicians or psychologists who are competent in their field of specialization and who have expertise in the diagnosis and treatment of substance abuse.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2362 and 2366, Business and Professions Code.

HISTORY

1. New section filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

**§1662. Procedure for Review of Applicants.**

- (a) The diversion evaluation committee consultant shall interview each applicant who requests acceptance to the program.
- (b) The consultant shall recommend such medical and psychiatric examinations as may be necessary for determining the applicant's eligibility for participation in the program. The program manager shall request such other information, authorizations, and release necessary for participation in the program.
- (c) The program manager and the consultant who interviews the applicant shall each make a recommendation to the committee as to whether the applicant should be accepted into the program and, if accepted, the nature of the treatment plan.
- (d) The committee's decision on acceptance into the program as well as the accepted applicant's treatment plan shall be final.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2364 and 2366, Business and Professions Code.

HISTORY

1. New section filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

## **Article 12.7. Disciplinary Guidelines**

**§1663. Disciplinary Guidelines.**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Osteopathic Medical Board of California shall consider the disciplinary guidelines entitled "Osteopathic Medical Board of California Disciplinary Guidelines of 1996" which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Osteopathic Medical Board of California in its sole discretion determines that the facts of the particular case warrant such a deviation--for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1 and 3600-1, Business and Professions Code; and Section 11400.21, Government Code. Reference: Sections 11400.21 and 11425.50(e), Government Code.

HISTORY

1. New article 12.7 (section 1663) and section filed 6-4-97; operative 6-4-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 23).

## **Article 13. Medical Corporations**

**§1665. Citation of Rules.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Section 2454, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Change without regulatory effect repealing article 13 (sections 1665-1673) and repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

**§1666. Office for Filing and Verification.**



NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Section 2454, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

**§1667. Use of False or Fictitious Name.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Sections 2285 and 2454, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-197, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

**§1668. Medical Corporations--D.O., M.D.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Section 2454, Business and Professions Code.

HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment filed 9-22-93; operative 10-22-93 (Register 93, No. 39).
3. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

**§1669. Application, Review of; Refusal to Approve.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Sections 2400 and 2454, Business and Professions Code; and Section 15374 et seq., Government Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (a) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).
3. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

**§1670. Requirements for Issuance of Certificate of Registration**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Sections 2406, 2408 and 2454, Business and Professions Code; and Sections 13401, 13401.5, 13403, 13405, 13406 and 13407, Corporations Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81 No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsections (a)-(c) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).
3. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

**§1671. Security for Claims Against a Medical Corporation.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Section 2454, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Change without regulatory effect of subsection (a) (Register 88, No. 8).
3. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

### **§1672. Shares: Ownership and Transfer.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2412, 2454 and 3600-1, Business and Professions Code. Reference: Sections 2412 and 2454, Business and Professions Code; and Sections 13401, 13403, 13406 and 13407, Corporations Code.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

### **§1673. Certificate of Registration: Continuing Validity; Reports.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2454 and 3600-1, Business and Professions Code. Reference: Section 2454, Business and Professions Code.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsections (a)-(c) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).
3. Change without regulatory effect repealing section filed 3-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 12).

## **Article 14. Fictitious Names**

### **§1675. Purpose and Scope.**

- (a) The purpose of a fictitious name is to allow an individual, a partnership, a group, or a professional corporation to use a name in advertising and in practice other than his or her own personal family name.
- (b) No licensed person shall render professional services using a fictitious, false, or assumed name or any name other than his or her own unless and until a fictitious name permit has been issued by the Board.
- (c) A fictitious name permit may be suspended or revoked for failure to comply with the provisions of Code Section 2415 and this article or may be revoked after the individual license has been revoked.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2413, 2415 and 3600-1, Business and Professions Code. Reference: Sections 2285 and 2415, Business and Professions Code.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1676. Name Style--General.**

- (a) Any fictitious name shall contain the designation "medical group," "medical clinic," "medical corporation," "medical associates," "medical center," or "medical office." Such designation shall be contiguous in the name style and not separated by intervening words. This requirement also applies to those applicants who are sole practitioners.
- (b) A group or clinic containing both a corporate and non-corporate entity or a partnership of corporations shall not use wording or abbreviations denoting corporate existence. When a professional corporation is an applicant, it shall use in its fictitious name style one of the word(s) or abbreviation(s) denoting corporate existence as required by these regulations.
- (c) The Board shall not issue a fictitious name permit for a name style which is false or misleading or which is so similar to a name previously authorized in the same geographical area as to be deceptive, misleading, or subject an individual consumer to confusion with a previously permitted fictitious name.
- (d) The use of word(s) or abbreviation(s) following a licensed person's name denoting affiliation with a professional medical society or association shall not create a fictitious name; however, the use of any word(s) or abbreviation(s) which denotes a particular specialty in medical practice which is advertised or disseminated in public in connection with that practice shall require a fictitious name permit.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2413, 2415, and 3600-1, Business and Professions Code. Reference: Section 2415, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (a) filed 9-22-89; operative 10-22-89 (Register 89, No. 39).

### **§1677. Name Style--Corporation.**

Unless a fictitious name permit is obtained pursuant to these regulations and Code Sections 2415 and 2454, the name of a professional corporation shall be restricted to the name or surname of one or more of the present, prospective, or former physician and surgeon shareholders and wording or abbreviations denoting corporate existence limited to those enumerated by Section 1667.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2413, 2415, 2456 and 3600-1, Business and Professions Code. Reference: Section 2415, Business and Professions Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

### **§1678. Application and Renewal.**

(a) Applications for a fictitious name permit (Application for a Fictitious Name Permit OMB.5 Rev.01/92) shall include the following information:

- (1) the name style;
- (2) if applicable, proof that the place of professional practice of the applicant or applicants is wholly owned or leased by the same; and
- (3) if applicable, proof the professional practice of the applicant or applicants is wholly owned or entirely controlled by the same.

(b) The application shall be signed by a licensed person who is a member of the group or clinic or by an officer of the professional corporation, as the case may be, requesting the use of such name. A copy of the approved Articles of Incorporation shall be submitted with the application for all professional corporations.

(c) The executive director of the Board shall issue a fictitious name permit or refuse to approve the application and shall notify the applicant of the reasons therefor within the processing time limits set forth in Section 1691.

(d) The applicant shall include the initial permit fee as set forth in Section 1690; additionally, fictitious name permits shall expire on December 31 of each year and shall be renewed upon payment of the fee set forth in Section 1690; processing time limits for renewals are set forth in Section 1691.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2413, 2415, 2456 and 3600-1, Business and Professions Code. Reference: Section 2415, Business and Professions Code; and Section 15374 et seq., Government Code.

HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (a) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).
3. Amendment of subsection (b) and amendment of Note filed 3-20-2001; operative 4-19-2001 (Register 2001, No. 12).

## **Article 15. Physician's Assistants**

### **§1680. Employment.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 3535 and 3600-1, Business and Professions Code. Reference: Section 3535, Business and Professions Code.

HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment filed 9-28-90; operative 10-28-90 (Register 90, No. 45).

3. Change without regulatory effect repealing section filed 12-3-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No.49).

### **§1681. Application for Approval.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 3535 and 3600-1, Business and Professions Code. Reference: Section 3535, Business and Professions Code; Section 15374 et seq., Government Code.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsection (b) filed 6-7-88; operative 7-7-88 (Register 88, No. 25).
3. Amendment of subsection (a) and Note filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).
4. Change without regulatory effect repealing section filed 12-3-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No.49).

### **§1682. Board Approval.**

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 3535 and 3600-1, Business and Professions Code. Reference: Section 3535, Business and Professions Code.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Change without regulatory effect repealing section filed 12-3-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No.49).

## **Article 16. Use and Display of "D.O." Degree**

### **§1685. Display of Name and Earned Degree.**

- (a) Any licensee of the Board shall prominently display at the entrance to any facility in which he primarily practices, the name of the facility, the names of the licensees practicing therein, and their earned degree.
- (b) Any licensee of the Board shall designate himself by his earned degree "D.O.," and/or the term "Osteopathic Physician and Surgeon," and shall prominently display this designation on all printed materials employed in his practice relating to his licensed function as a physician and surgeon. A D.O. licensed by the Board shall not use the term "M.D."

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Sections 2275, 2276, 2452 and 3600-2, Business and Professions Code.

#### **HISTORY**

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.

## **Article 17. Fees**

### **§1690. Fees.**

The fees charged by the Board are as follows:

- (a) Physician and surgeon's original certificate application fee: \$200 (\$100 shall be returned if applicant's credentials are insufficient, or the examination is not taken).
- (b) Physician and surgeon's reciprocity certificate application fee: \$200 (\$100 shall be returned if applicant's credentials are insufficient or the examination is not taken).
- (c) Oral/Practical examination fee: \$200; re-examination fee: \$200.
- (d) Duplicate certificate, name change, certification endorsement fee: \$25.
- (e) Biennial Tax and Registration fee: \$400.
- (f) Biennial Inactive Certificate: \$300.
- (g) Delinquent Tax and Registration fee: \$100
- (h) Fictitious Name Permit fee: \$100; Renewal: \$50.

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Sections 2456.1 and 3600-1, Business and Professions Code. Reference: Sections 2435, 2454, 2455, 2456, 2456.1 and 3535, Business and Professions Code.  
HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of subsections (c) and (k) and new subsection (l) filed 6-7-88; operative 7-7-88 (Register 88, No. 25).
3. Amendment of subsections (f), (g), (i) and (j) filed 9-22-89; operative 10-22-89 (Register 89, No. 39).
4. Amendment of subsections (a), (b), (h) and repealer of subsection (l) filed 9-28-90; operative 10-28-90 (Register 90, No. 45).
5. Amendment of subsections (c), (e), (f) and (h) filed 9-22-93; operative 10-22-93 (Register 93, No. 39).
6. Amendment of subsections (f)-(h) filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).
7. Repealer of subsection (c), subsection relettering, and amendment of newly designated subsections (e) and (g) filed 3-20-2001; operative 4-19-2001 (Register 2001, No. 12).
8. Change without regulatory effect repealing section filed 12-3-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No.49).

### **§1691. Permit Processing Times.**

“Permit” as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit, or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the Board's programs are set forth below and, if applicable, are predicated on an applicant taking and passing the first available examination.

View Graphic

NOTE: Authority cited: Osteopathic Act (Initiative Measure, Stats. 1923, p. xciii), Section 1; and Section 3600-1, Business and Professions Code. Reference: Section 15374 et seq., Government Code; and Section 3600-1, Business and Professions Code.  
HISTORY

1. Repealer of Chapter 16 (Sections 1600-1697, not consecutive) and new Chapter 16 (Sections 1600-1697, not consecutive and Appendix) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Change without regulatory effect repealing section filed 12-3-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No.49).

## **Article 18. Conflict of Interest Code--Osteopathic Medical Board of California**

Note: It having been found pursuant to Government Code Section 11344, that the printing of the regulations constituting the Conflict of Interest Code is impractical and these regulations being of limited and particular application are not published in full in the California Code of Regulations. The regulations are available to the public for review or purchase at cost at the following locations:

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA  
2720 GATEWAY OAKS DRIVE, SUITE 350  
SACRAMENTO, CA 95833

FAIR POLITICAL PRACTICES COMMISSION  
428 J STREET, SUITE 800  
SACRAMENTO, CA 95814

SECRETARY OF STATE  
STATE ARCHIVES  
1230 J STREET  
SACRAMENTO, CA 95814

The Conflict of Interest Code is designated as Article 18 of Division 16 of Title 16 of the California Code of Regulations, and consists of sections numbered and titled as follows:

### **Article 18. Conflict of Interest Code-- Osteopathic Medical Board of California**

Section  
1697.

## General Provisions Appendix

NOTE: Authority cited: Sections 87300 and 87304, Government Code. Reference: Section 87300, et. seq., Government Code.

### HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix--Forms) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Amendment of article heading, section and Conflict of Interest Code--Appendix filed 9-22-93; operative 10-22-93 (Register 93, No. 39).
3. Editorial correction of History 1 and 2 and deleting former History 3 (Register 95, No. 13).
4. Amendment providing new address for the Osteopathic Medical Board filed 6-4-97; operative 6-4-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 23).

## Appendix for Division 16

### HISTORY

1. Repealer of chapter 16 (sections 1600-1697, not consecutive) and new chapter 16 (sections 1600-1697, not consecutive and Appendix--Forms) filed 12-10-87; operative 1-9-88 (Register 87, No. 52). For prior history, see Registers 81, No. 50; 81, No. 36; 81, No. 9; 80, No. 40; 78, No. 15; 77, No. 21; and 63, No. 25.
2. Repealer of Appendix--Forms filed 1-26-95; operative 1-26-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 4).
3. Editorial correction adding History 1 and 2 and deleting previously repealed forms (Register 95, No. 13).